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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5218 OF 2007

Subhash Vishnu Kapileshwari ... Petitioner

V/s

1. The Secretary, Nagrik Sahaya Kendra, Mumbai & ors. ... Respondents

Mr. Rahul Thakur for the petitioner.

Mr. G.N.Salunke for respondent Nos. 1 and 2.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 14TH SEPT., 2007.

P.C.:

1. The petition challenges the order of the School Tribunal dated 8.2.2005. By this order, the School Tribunal dismissed the appeal filed by the petitioner. The petition has been filed in June, 2007. However, there are no pleadings in the petition as to why the petition has been filed after more than two years of the impugned order. On this ground alone the petition deserves to be dismissed.

2. However, I have considered the merits of the petition as well. The School Tribunal has rightly held

that the enquiry conducted against the petitioner was fair and proper and that the principles of natural justice had not been breached. The Tribunal has upheld the order of dismissal and concluded that the charges alleged against the petitioner had been proved.

3. Various submissions are advanced on behalf of the petitioner, namely, that the petitioner was not represented properly by his defence representative; that he was not given an opportunity to cross-examine the witnesses at a later date and was compelled to cross-examine them on the same date as the witnesses completed the examination-in-chief. It is also submitted that the charges against the petitioner are vague and, therefore, the Tribunal has erred in concluding that the petitioner had committed misconduct. In my view, this submission cannot be accepted. I have perused the copy of the enquiry report and find that the petitioner was given sufficient opportunity to defend himself at the enquiry. In view of the fact that the charges are proved at the enquiry, the Tribunal has found that the order of dismissal was correct. There is no perversity in the order of the Tribunal, nor is there an error apparent on the face of the record.

4. In these circumstances, petition is rejected.

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